

1 JUDGE STIRMER: You saw counsel --

2 THE WITNESS: I know, I know.

3 JUDGE STIRMER: -- make, make some comment --

4 THE WITNESS: I know, I know, I know, I know.

5 MR. DUNNE: I'm sorry, I apologize.

6 JUDGE STIRMER: Well, why did you answer the other way?

7 THE WITNESS: Sir, I don't know why I answer one way
8 and then the other. I don't know.

9 JUDGE STIRMER: All right. Let's proceed.

10 MR. SHOOK: Your Honor, I have no further questions.

11 JUDGE STIRMER: Well, I do. Now, Mr. Stewart, there
12 had been lightening strikes in, in 1989, hadn't there?

13 THE WITNESS: Yes.

14 JUDGE STIRMER: And in fact, your antenna system
15 suffered a lightening strike. Isn't that right?

16 THE WITNESS: Yes.

17 JUDGE STIRMER: So, this lightening strike that you
18 testified about in 1988 was not the only one, was it?

19 THE WITNESS: No, sir.

20 JUDGE STIRMER: Now, isn't it a fact that Mr. Meador
21 came out to repair the satellite system at your house in 1989?

22 THE WITNESS: No, sir.

23 JUDGE STIRMER: He never came there --

24 THE WITNESS: No, sir.

25 JUDGE STIRMER: -- in '89 while your station was on the

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1 air?

2 THE WITNESS: No, sir. No, sir.

3 JUDGE STIRMER: Well, why are you so certain of that?

4 THE WITNESS: Because we had Charlie Lampe hired.

5 JUDGE STIRMER: To do your satellite servicing?

6 THE WITNESS: Whatever was necessary; he did other work
7 for us.

8 JUDGE STIRMER: Did Mr. Lampe do any servicing of the
9 satellite system behind your house in 1988?

10 THE WITNESS: He was not employed at that time, no,
11 sir.

12 JUDGE STIRMER: Well, did you employ Mr. Lampe to do
13 work for the radio station or your own personal work at, at
14 your home involving your satellite system?

15 THE WITNESS: He was employed by the radio station to
16 work on the radio.

17 JUDGE STIRMER: So then he wasn't doing any work on
18 your satellite system?

19 THE WITNESS: No, sir, not in '89.

20 JUDGE STIRMER: And did Mr. Meador do some work on your
21 satellite system in '89?

22 THE WITNESS: No, sir, not in '89.

23 JUDGE STIRMER: In '90?

24 THE WITNESS: I -- put in a new tube in '90.

25 JUDGE STIRMER: A new tube?

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1 THE WITNESS: In the, in the television set.

2 JUDGE STIRMER: I'm not talking about your television
3 set; I'm talking about the satellite system in back.

4 THE WITNESS: No, sir.

5 JUDGE STIRMER: Do you know Mr. Meador?

6 THE WITNESS: Yes, sir.

7 JUDGE STIRMER: How long have you known him?

8 THE WITNESS: Since '85 or '86.

9 JUDGE STIRMER: And how many times has he been to your
10 house to make repairs to the satellite system?

11 THE WITNESS: Approximately three.

12 JUDGE STIRMER: Three times?

13 THE WITNESS: Yes, sir.

14 JUDGE STIRMER: When was the first time?

15 THE WITNESS: Right after we moved there in '85.

16 JUDGE STIRMER: And when was the second time?

17 THE WITNESS: It would have been in -- I have no
18 recollection of the second time. I --

19 JUDGE STIRMER: You don't recall when the second time
20 was?

21 THE WITNESS: Not the day -- month, no, sir.

22 JUDGE STIRMER: Well, what, what year was it?

23 THE WITNESS: It would have been in -- '86 or '87.

24 JUDGE STIRMER: And did he make additional repairs on
25 some other occasion?

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1 THE WITNESS: No, sir.

2 JUDGE STIRMER: So, '87 was the last time he was there?

3 THE WITNESS: '88 was the last time he was there when
4 he repaired the lightening strike.

5 JUDGE STIRMER: So, he was there in '88 and what -- and
6 '86 did you say? You said three times.

7 THE WITNESS: Yeah.

8 JUDGE STIRMER: What -- what years, or when --

9 THE WITNESS: He was there in '85, somewhere between
10 '86 and '87 and he was there in '88 in the summer of '88.

11 JUDGE STIRMER: Now, where is your transmitter shack
12 located?

13 THE WITNESS: We don't call it a shack; it's a
14 building.

15 JUDGE STIRMER: Building; where is it located?

16 THE WITNESS: It's located 72 feet northwest of the
17 transmitter.

18 JUDGE STIRMER: How far is it away from your satellite?

19 THE WITNESS: The transmitter, 72 feet.

20 JUDGE STIRMER: The transmitter building -- the
21 transmitter building?

22 THE WITNESS: Seventy-two feet, sir.

23 JUDGE STIRMER: That's what, about 20 to 30 yards?

24 THE WITNESS: Actually, it would be about 24 yards.

25 JUDGE STIRMER: When did you construct your transmitter

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1 building?

2 THE WITNESS: In the summer of '88.

3 JUDGE STIRMER: And when did you receive your
4 transmitter?

5 THE WITNESS: In the summer of '88.

6 JUDGE STIRMER: And what kind of a transmitter is it?

7 THE WITNESS: It's a Harris.

8 JUDGE STIRMER: How many watts?

9 THE WITNESS: Thirty-five.

10 JUDGE STIRMER: Does it have dials on it?

11 THE WITNESS: Yes, sir.

12 JUDGE STIRMER: Where are the dials located?

13 THE WITNESS: Across the top of the face -- front of --

14 JUDGE STIRMER: What is the dimensions of the
15 transmitter building?

16 THE WITNESS: 12' by 24'.

17 JUDGE STIRMER: And it's your testimony under oath that
18 at no time to your knowledge was Mr. Meador in that
19 transmitter building?

20 THE WITNESS: To my knowledge, yes, sir.

21 JUDGE STIRMER: You were never in there with him?

22 THE WITNESS: No, sir.

23 JUDGE STIRMER: And if he testified that he was, he
24 would be not telling the truth?

25 THE WITNESS: That is correct.

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1 JUDGE STIRMER: Do you have any reason to believe that
2 Mr. Meador has any animosity towards you, Mr. Stewart?

3 THE WITNESS: No, sir.

4 JUDGE STIRMER: Is there any reason why you would
5 believe that Mr. Meador has any motive or reason to lie to us
6 if he told us that he was in that transmitter building with
7 you?

8 THE WITNESS: No, sir.

9 JUDGE STIRMER: You have no reason to suspect that he
10 would have any motive to, to lie?

11 THE WITNESS: No, sir.

12 JUDGE STIRMER: All right. Mr. Dunne?

13 MR. DUNNE: I have no further questions of the -- of
14 the witness.

15 JUDGE STIRMER: Mr. Shook?

16 MR. SHOOK: I have no further questions, Your Honor.

17 JUDGE STIRMER: May the witness be excused?

18 MR. DUNNE: Yes, sir.

19 JUDGE STIRMER: Thank you very much, Mr. Stewart,
20 you're excused. Mr. Dunne, do you have any further rebuttal --

21 MR. DUNNE: No --

22 JUDGE STIRMER: -- testimony?

23 MR. DUNNE: -- testimony.

24 MR. SHOOK: And as a consequence, Your Honor, I have no
25 further rebuttal either. I mean, I don't intend to introduce

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1 any rebuttal.

2 JUDGE STIRMER: All right. Let's take a, a 10-minute
3 break at this time and we'll resume and wind up.

4 (Whereupon, off the record.)

5 (Whereupon, on the record.)

6 JUDGE STIRMER: Mr. Dunne, I take it that completes
7 your rebuttal testimony?

8 MR. DUNNE: Yes, it does, Your Honor, thank you.

9 JUDGE STIRMER: And Mr. Shook, you had no rebuttal
10 testimony --

11 MR. SHOOK: Correct, Your Honor.

12 JUDGE STIRMER: -- to offer? Are there any other loose
13 ends that we have to tie up before we close the record in this
14 proceeding?

15 MR. DUNNE: Your Honor, as I mentioned at the outset,
16 that I, I'm going to be submitting a, a statement -- a sworn
17 statement from KOKS's consulting engineer concerning populated
18 area and how that representation got in the, the application.
19 I hope to do that very soon after we get back in Washington.
20 Of course, copies will be served on Mr. Shook. That would be
21 the only loose end that I can anticipate at this point.

22 MR. SHOOK: And the only loose end we have is with
23 respect to the tax returns relative to KOKS and we would make
24 that decision no later than Tuesday.

25 JUDGE STIRMER: Very well, and would you anticipate the

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1 need to cross-examine Mr. Fisher?

2 MR. SHOOK: Your Honor, I don't think so, but until we
3 had a chance to look at what Mr. Dunne intends to submit, I
4 can't say that with certainty.

5 JUDGE STIRMER: All right. I'll, I'll keep the record
6 open until next Friday, at which time --

7 MR. DUNNE: Your Honor, may I make a suggestion?

8 JUDGE STIRMER: Certainly.

9 MR. DUNNE: Might it be easier if we kept the record
10 open until, until a week after receipt of transcripts?

11 JUDGE STIRMER: No, I don't propose to do that, Mr.
12 Dunne. I want to close the record as soon as we can so we can
13 begin work on our findings and --

14 MR. SHOOK: The Bureau would have no objection to a
15 week from Friday -- I mean a week from today --

16 JUDGE STIRMER: All right.

17 MR. SHOOK: -- for closing the record.

18 JUDGE STIRMER: All right. By next Friday I would a
19 decision on Kevin Fisher, his testimony and these other
20 financial documents.

21 MR. DUNNE: Is the Commission open on Friday? That's
22 the day after Thanksgiving.

23 MR. SHOOK: I believe it is.

24 JUDGE STIRMER: The Commission is open but there are
25 going to be very few employees there I'm sure.

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1 MR. DUNNE: That's why I wondered, Your Honor. I've
2 never seen anyone answer the phone the day after
3 Thanksgiving --

4 MR. SHOOK: Well, the only person -- the only important
5 person on that day is the secretary.

6 MR. DUNNE: That's true.

7 JUDGE STIRMER: Now, how would we, how would we handle
8 this? Would you show Bureau counsel the nature of Mr.
9 Fisher's testimony?

10 MR. DUNNE: I've already communicated that to --

11 JUDGE STIRMER: Okay, and then --

12 MR. DUNNE: -- to him. And I'll produce it in writing
13 and have it in a sworn form as in -- actually, I guess it will
14 be submitted as, you know, proffered KOKS Exhibit 14.

15 JUDGE STIRMER: Your next exhibit order --

16 COURT REPORTER: Fourteen.

17 JUDGE STIRMER: -- your next exhibit in order would be
18 14, correct.

19 MR. DUNNE: Yes, sir.

20 JUDGE STIRMER: And then we'll have your --

21 MR. SHOOK: -- submitted the tax returns --

22 JUDGE STIRMER: -- decision on the --

23 MR. SHOOK: -- it would be Bureau Exhibit 34.

24 JUDGE STIRMER: All right, and if we need an additional
25 hearing session then I would anticipate that'll be held very

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1 | shortly after next Friday.

2 | MR. DUNNE: I would think so, Your Honor.

3 | JUDGE STIRMER: All right. So the record is in all
4 | respects closed except for these two loose ends; namely, Kevin
5 | Fisher's testimony and the possibility of introducing the
6 | financial documents by the Mass-Media Bureau. How about
7 | proposed findings and conclusions?

8 | MR. SHOOK: We have discussed a date, Your Honor, and I
9 | believe -- proposed findings, January 16 which should be a
10 | Friday.

11 | MR. DUNNE: -- none of us have, have a calendar -- so
12 | we can confirm that fact, we believe that to be the case.

13 | JUDGE STIRMER: And -- findings?

14 | MR. DUNNE: Three weeks -- three weeks?

15 | MR. SHOOK: Three weeks after that.

16 | MR. DUNNE: Three weeks thereafter, Your Honor.

17 | JUDGE STIRMER: That would be when?

18 | MR. DUNNE: Do you have a calendar handy?

19 | COURT REPORTER: -- go check --

20 | MR. DUNNE: Is the 16th a Friday?

21 | COURT REPORTER: The 16th is a Sunday.

22 | MR. DUNNE: Okay. What's --

23 | COURT REPORTER: The Friday before that is the 14th.

24 | MR. DUNNE: Okay.

25 | COURT REPORTER: The 15th is a --

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1 MR. SHOOK: Oh, it's a Sunday?

2 MR. DUNNE: Okay. So, January 14th, 1993, for

3 findings?

4 COURT REPORTER: Right.

5 MR. DUNNE: And --

6 COURT REPORTER: Oh, wait a minute, wait a minute, I'm

7 sorry. I'm looking at '94, pardon me.

8 JUDGE STIRMER: This is '93.

9 COURT REPORTER: The 15th is a Friday.

10 MR. DUNNE: Okay. So, so --

11 COURT REPORTER: Fifteenth.

12 MR. DUNNE: Okay. January 15th, 1993, for the

13 findings. And what would be the third Friday after that?

14 COURT REPORTER: The 5th of February.

15 MR. DUNNE: February 5.

16 JUDGE STIRMER: February 5?

17 COURT REPORTER: February 5 is three weeks after --

18 MR. DUNNE: Okay.

19 JUDGE STIRMER: All right. Proposed findings and

20 conclusions shall be filed on or before January 15th, 1993,

21 and replied findings will be filed on or before February 5th,

22 1993. All right. Is there anything further that we have to

23 discuss at this time?

24 MR. DUNNE: Not from me, Your Honor.

25 MR. SHOOK: Not from me either, Your Honor.

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1 JUDGE STIRMER: Very well. Then we will stand in
2 recess and I will hear from you next Friday or on or before,
3 on or before Friday.

4 MR. DUNNE: And I'll submit it as quickly as, you know,
5 I can --

6 JUDGE STIRMER: Very well. Okay. Then we will at this
7 time stand in recess. The record is closed except for these
8 two loose items.

9 MR. DUNNE: Thank you, Your Honor.

10 MR. SHOOK: Thank you.

11 JUDGE STIRMER: Thank you.

12 (Whereupon, record closed at 10:50 a.m.)
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MM DOCKET NO. 92-122

Docket No.

POPLAR BLUFF, MISSOURI

Place


NOVEMBER 20, 1992

Date

We, the undersigned, do hereby certify that the foregoing pages, numbers 1016 through 1126, inclusive, are the true, accurate and complete transcript prepared from the reporting by BARBARA J. LORD in attendance at the above identified proceeding, in accordance with applicable provisions of the current Federal Communications Commission's professional verbatim reporting and transcription Statement of Work and have verified the accuracy of the transcript by (1) comparing the typewritten transcript against the reporting or recording accomplished at the proceeding and (2) comparing the final proofed typewritten transcript against the reporting or recording accomplished at the proceeding.

Nov. 27, 1992

Date


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Nov. 30, 1992

Date


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